

## **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed August 31, 2006. Claims 1-32 stand rejected. In this Amendment, claims 1, 5, 7, 16, 17, 21, 22, 25, 29 and 30 have been amended. No new matter has been added.

### **35 U.S.C. §102**

The Examiner rejected claims 1-32 under 35 U.S.C. §102(e) as being anticipated by Bhatt, et al., (U.S. Patent Application No. 2004/0252121, hereinafter "Bhatt"). As discussed below, the pending claims are patentable over the above reference.

Bhatt provides a mechanism for integrating graphical charts into software applications. The mechanism generates a predefined chart having a category axis with category axis values stored in an electronic data source, and a data series with a value measure determined for each category axis value using data stored in the electronic data source.

The Examiner refers to a process shown in Figure 12. This process uses a database query for obtaining data needed to generate the chart, and chart definitions. As can be seen from Figure 12 and the corresponding description, chart definitions are received separately from the database query. In fact, Bhatt discloses using "a separate graphics control program" to obtain chart customization definition. Hence, Bhatt does not disclose having a database access query that combines an SQL clause with output related characteristics of an output data chart into a statement, as claimed in the presently claimed invention. These limitations of the present invention are included in the following language of claim 1:

... receiving a data access query that combines a structured query language (SQL) clause with output related characteristics of an output data chart into a statement, the data access query being provided by a first user; and

building the output data chart for a second user using the data access query.

Similar language is also included in independent claims 17, 25 and 30. Accordingly, the present invention as claimed in claims 1, 17, 25 and 30, and their corresponding dependent claims, is not anticipated by Bhatt.

Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §102(e) and submits that the pending claims are in condition for allowance. Therefore, applicants respectfully submit that all pending claims are in condition for allowance, which action is earnestly solicited.

#### **DOUBLE PATENTING REJECTION**

Claim 1-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of co-pending Application No. 10/763,880. The terminal disclaimers in compliance with 37 CFR § 1.321 are filed herewith to overcome the provisional nonstatutory double patenting rejection.

#### **DEPOSIT ACCOUNT AUTHORIZATION**


Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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